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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/576,236	04/14/2006	Toshiaki Wada	OOCL2842004OP5271	2217

26479 7590 04/16/2009  
STRAUB & POKOTYLO  
788 Shrewsbury Avenue  
TINTON FALLS, NJ 07724

EXAMINER
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DAGLAWI, AMAR A

ART UNIT	PAPER NUMBER
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2618

MAIL DATE	DELIVERY MODE
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04/16/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/576,236	<b>Applicant(s)</b> WADA ET AL.	
	<b>Examiner</b> AMAR DAGLAWI	<b>Art Unit</b> 2618	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 1 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 April 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-265 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-265 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 14 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☒ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Election/Restrictions***

1. Restriction to one of the following inventions is required under 35 U.S.C. 121:

I. Claims 1-101, 135-154, drawn to An information acquisition device and method which acquires digital information functioning by executing a control program stored in program memory, comprising: a first transmission unit having directivity and transmitting by wireless an information request signal to be transmitted in a direction of the directivity; an information addition unit adding at least one piece of address information to the information request signal to be transmitted; a reception unit receiving a radio signal transmitted by wireless in response to the information request signal transmitted by the first transmission unit, and acquiring information contained in the signal; an information storage unit which is built in the information acquisition device or attached to the device as removable from the device, and can store all or a part of information acquired by the reception unit; and an operation unit issuing an instruction to start an information requesting operation, wherein the reception unit has no directivity or has broader directivity than the first transmission unit. , classified in class 455, subclass 41.2.

II Claims 102-134, 155-164 drawn to An information providing system having an information acquisition device which acquires digital information functioning by executing a control program stored in program memory, and an information providing device capable of providing information according to an information request from the

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information acquisition device, the information providing device comprises an information data base storing information to be provided a first information reception unit receiving a request signal transmitted by wireless from the first transmission unit having the directivity of the information acquisition device; a request extraction unit extracting at least a destination address for designation of a destination of information from the request signal received by the first information reception unit; and a first information transmission unit transmitting by wireless the information to be provided read at the request signal from the information database to a destination address according to the address information extracted by the request extraction unit; and the reception unit and the first information transmission unit have no directivity or have broader directivity than the first transmission unit classified in class 455, subclass 39.

III Claims 165-265 are drawn to An information acquisition program which is a computer program executed by an information acquisition device having: an information storage unit which is built in and freely attached and removed and stores information; a first transmission unit having directivity and transmitting by wireless an information request to be transmitted in a directivity direction; and a reception unit having no directivity or having broader directivity than the first transmission unit, wherein: an information request signal to be transmitted is generated; at least one piece of address information is added to the generated information request signal; the information request signal to which at least one piece of address information is added is transmitted from the first transmission unit in the directivity direction; the reception unit receives a radio signal transmitted by wireless in response to the information and the

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program wherein information relating to type of information received and acquired by the reception unit is set and the information relating to the type of the set information is added to the signal to be transmitted and the information relating to a type of information includes information relating to at least one piece of common information summary information obtained by summarizing the common information and address information in a network containing information and a server address designating an information providing source contained in the information acquired by the reception unit is extracted and the information acquisition device further comprises a second transmission unit transmits by wireless a signal using an electromagnetic wave including light and sound wave including ultrasonic and the signal transmitted by wireless from the second transmission unit has no directivity than the signal transmitted by the first transmission unit classified in class 369/13.01.

The inventions are distinct, each from the other because of the following reasons:

2. Inventions I and II are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because the subcombination has separate utility such as an information providing device capable of providing information according to an information request from the information acquisition device, the information providing device comprises an information data base storing information to

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be provided a first information reception unit receiving a request signal transmitted by wireless from the first transmission unit having the directivity of the information acquisition device; a request extraction unit extracting at least a destination address for designation of a destination of information from the request signal received by the first information reception unit; and a first information transmission unit transmitting by wireless the information to be provided read at the request signal from the information database to a destination address according to the address information extracted by the request extraction unit; and the reception unit and the first information transmission unit have no directivity or have broader directivity than the first transmission unit.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

3. Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct if they do not overlap in scope and are not obvious variants, and if it is shown that at least one subcombination is separately usable. In the instant case, subcombination information providing device

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capable of providing information according to an information request from the information acquisition device, the information providing device comprises an information data base storing information to be provided a first information reception unit receiving a request signal transmitted by wireless from the first transmission unit having the directivity of the information acquisition device; a request extraction unit extracting at least a destination address for designation of a destination of information from the request signal received by the first information reception unit; and a first information transmission unit transmitting by wireless the information to be provided read at the request signal from the information database to a destination address according to the address information extracted by the request extraction unit; and the reception unit and the first information transmission unit have no directivity or have broader directivity than the first transmission unit has separate utility. See MPEP § 806.05(d).

The examiner has required restriction between subcombinations usable together. Where applicant elects a subcombination and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

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4. Inventions I and III are related as combination and subcombination. Inventions in this relationship are distinct if it can be shown that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability, and (2) that the subcombination has utility by itself or in other combinations (MPEP § 806.05(c)). In the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because subcombination has a separate utility an information providing device capable of providing information according to an information request from the information acquisition device, the information providing device comprises an information data base storing information to be provided a first information reception unit receiving a request signal transmitted by wireless from the first transmission unit having the directivity of the information acquisition device; a request extraction unit extracting at least a destination address for designation of a destination of information from the request signal received by the first information reception unit; and a first information transmission unit transmitting by wireless the information to be provided read at the request signal from the information database to a destination address according to the address information extracted by the request extraction unit; and the reception unit and the first information transmission unit have no directivity or have broader directivity than the first transmission unit.

The examiner has required restriction between combination and subcombination inventions. Where applicant elects a subcombination, and claims thereto are subsequently found allowable, any claim(s) depending from or otherwise requiring all the limitations of the allowable subcombination will be examined for patentability in

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accordance with 37 CFR 1.104. See MPEP § 821.04(a). Applicant is advised that if any claim presented in a continuation or divisional application is anticipated by, or includes all the limitations of, a claim that is allowable in the present application, such claim may be subject to provisional statutory and/or nonstatutory double patenting rejections over the claims of the instant application.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to AMAR DAGLAWI whose telephone number is (571)270-1221. The examiner can normally be reached on Monday- Friday (7:30 AM- 5:00 AM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, NGUYEN DUC can be reached on 571-272-7503. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Amar Daglawi  
Examiner  
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/Amar Daglawi/

Examiner, Art Unit 2618

/Duc Nguyen/

Supervisory Patent Examiner, Art Unit 2618